

NOTICE OF MEETING

TO: Judiciary Interim Committee
FROM: Jerry D. Howe, Research Analyst
DATE: April 5, 2000
SUBJECT: April 19, 2000 Meeting

Sen. Terry Spencer and Rep. A. Lamont Tyler have scheduled a Judiciary Interim Committee meeting as follows:

DATE: **Wednesday, April 19, 2000**
TIME: **9:00 a.m.**
PLACE: **Room 403 State Capitol**

An agenda is included. If you are unable to attend, please call me or Glenda Whitney at 538-1032.

COMMITTEE MEMBERS

Sen. Terry Spencer, Senate Chair
Rep. A. Lamont Tyler, House Chair

Sen. Lyle W. Hillyard
Sen. David H. Steele
Sen. Pete Suazo
Rep. Patrice M. Arent
Rep. Chad E. Bennion
Rep. Afton B. Bradshaw

Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Greg J. Curtis
Rep. David L. Gladwell
Rep. Neal B. Hendrickson
Rep. J. W. "Bill" Hickman

Rep. LaWanna "Lou" Shurtliff
Rep. Martin R. Stephens
Rep. John E. Swallow
Rep. David Ure
Rep. Glenn L. Way

JUDICIARY INTERIM COMMITTEE

Wednesday, April 19, 2000 - 9:00 a.m. - Room 403 State Capitol

AGENDA

1. Call to Order and Committee Business

- Approval of Minutes of the November 17, 1999 Meeting

2. Review Master Study Resolution Items

The committee will discuss the following study items selected from the Master Study Resolution. Other items may also be presented by members of the committee. After all items have been presented and discussed, the committee will provide input to the chairs so a study agenda for the 2000 interim may be established.

Cohabitant Abuse - to study changes to the Cohabitant Abuse Procedures Act. (S.B.66)

Coparenting in Divorce - to study the development of coparenting plans for divorcing parents.

Definition of Law - to study and redefine what is "law."

Justice Court Accountability - to study issues related to the accountability of justice courts.

Lawsuits by the State - to study the amending of Section 78-12-2, which currently provides a statute of limitations within which the state must initiate an action involving real estate, and create an exception for lawsuits involving sovereign lands.

Murder as a Capital Offense - to study whether murder committed at any degree should be tried as a capital offense.

Peremptory Challenge of a Judge - to study a pilot program in the 2nd, 3rd, and 4th judicial districts to allow for the peremptory challenge of a judge in all cases.

Repeal of Law Due to Constitutional Change - to study whether Title 78, Chapter 51 of the Utah Code, governing attorneys and counselors, should be partially or completely repealed in light of the rewrite of the Judicial Article of the Utah Constitution.

Small Claims Court Jurisdiction - to study whether to limit awards in small claims courts to liquidated damages. (H.B. 280)

Termination of Parental Rights - to study whether to permit a jury trial as part of the proceedings to terminate parental rights. (H.B. 295)

Volunteer Immunity - to study and evaluate the costs and benefits of volunteer immunity, the role of insurance regarding immunity, and ways to implement immunity.

Concealed Weapon Permit - to study the costs associated with the processing of concealed weapon permits.

Extension of Victim Study - to study the criminal restitution process and Model Restitution Program.

Fee for Warrant Service - to study the assessment of a fee for warrant service.

Financial Penalties for Convictions - to study whether to require those convicted of burglary and theft of personal and real property to pay deductibles, impound fees, insurance claims, and other fees in addition to incarceration.

Illegal Drug Cleanup - to study standards for the cleanup of illegal drug manufacturing and storage sites.

Intimacy With a Person in Custody - to study whether to establish as a criminal offense the act of a person in authority engaging in intimate behavior with a person who is in custody. (S.B. 207)

Motor Vehicle Impound and Release - to study motor vehicle impound and release requirements including administrative impound fees and the impacts upon law enforcement agencies, the State Tax

Commission, and county assessors.

Protective Orders - to study issues related to protective orders. (S.B. 205 and S.B. 66)

Reducing Crime in Polygamous Communities - to study ways to reduce crimes against women and children and reduce crimes of welfare fraud and tax fraud within polygamous communities.

Sex Offender Programs - to study and evaluate approaches and programs to effectively rehabilitate sex offenders and to prevent persons from becoming sex offenders.

Stalking - to study issues related to stalking. (H.B. 203 and H.B. 34)

State Emergency Response Commission Duties - to study the expansion of the commission's duties to include those who manufacture, transport, and use hazardous materials, and government agencies who must provide emergency response to hazardous materials.

Witness Protection Program - to study whether Utah should adopt a witness protection program.

3. Reports to be heard during the 2000 interim

30-3-11.3 (9) Progress report from the Administrative Office of the Courts evaluating the effectiveness of the mandatory educational course for divorcing parents.

30-3-38 (9)(b) Progress report from the Department of Human Services evaluating the effectiveness of the pilot program for expedited visitation enforcement.

53A-11-909(3)(b) Progress report from the state board of education recommending whether to continue, modify, or expand the alternative middle school program.

62A-4a-207 (4)(g) Progress report from the Child Welfare Legislative Oversight Panel reporting its findings and recommendations.

63-75-7 Progress report by the council recommending whether the program should be terminated, continued, or expanded.

64-13-6 Progress report from the Commission on Criminal and Juvenile Justice regarding the criteria used to determine sex offender treatability, implementation and effectiveness of sex offender treatment, and the results of ongoing assessment and objective diagnostic testing.

78-3g-102 Report from the Foster Care Citizen Review Board Steering Committee detailing the results of the boards.

78-32-12.3 Report from the Administrative Office of the Courts evaluating the effectiveness of the Mandatory Sanctions for Substantial Noncompliance with Visitation Orders Pilot Program.

78-31b-4 Report from the Director of the Dispute Resolution Programs on the operation of the Dispute Resolution Programs.

4. Establish Study Agenda for the 2000 Interim

5. Adjourn

